

Exhibit 63

Gladys S. Fenichel, MD
210 Kent Road
Ardmore, PA 19003
FenichelMD@FenichelMD.com
(610) 649-8940
FAX (610) 649-5071

September 23, 2019

Elisa P. McEnroe
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

RE: *Elsa M. Powell et al. v. Educational Commission for Foreign Medical Graduates*

Dear Ms. McEnroe:

On September 10, 2019, I had the opportunity to see Elsa Powell for an independent psychiatric evaluation. The evaluation was requested to comment on Ms. Powell's psychiatric condition in relation to the Complaint in *Elsa M. Powell et al. v. Educational Commission for Foreign Medical Graduates*.

At the start of the evaluation, I discussed with Ms. Powell that the evaluation was not for purposes of treatment and it was not a confidential examination. I discussed with Ms. Powell that I would prepare a report based on psychiatric evaluation and review of records.

In preparation for this report, I have reviewed the following records:

1. Medical Records: Plaintiffs0000000572 – Plaintiffs0000000929; Plaintiffs00000006174 – Plaintiffs00000006363; Plaintiffs0000118377 – Plaintiffs0000118653
2. Complaint in *Russell et al. v. ECFMG*
3. Elsa Powell's Answers to First Set of Interrogatories and Responses to First Set of Requests for Production of Documents (3/28/2019)
4. Elsa Powell's Supplemental Answers to First Set of Interrogatories and Responses to First Set of Requests for Production of Documents (6/17/2019)
5. Deposition of Elsa Powell (9/6/2019)
6. Class Action Complaint in *Dews v. Dimensions Health*, CAL 17-34091 (11/22/2017)
7. Elsa Powell's Answers to Interrogatories of Defendant Dimensions Healthcare Corporation D/B/A/ Prince George's Hospital Center (7/10/2018)
8. Deposition of Elsa Powell in CAL 17-22761, CAL 17-37091, and CAL 18-07863 (3/28/2019)
9. Summary of Preliminary Psychiatric Interviews by Susan J. Fiester, M.D. (11/26/2018)
10. Expert Report of Jennifer L. Payne, M.D. (5/13/2019)

HISTORY REPORTED BY ELSA POWELL:

Elsa Powell (date of birth [REDACTED]) said that she understood that the examination was requested, "To see my state of mind with this situation." I asked Ms. Powell to explain the "situation." Ms. Powell said that she had a doctor whom she understood to be somebody other than who he was. Ms. Powell said the doctor had fake names and Social Security numbers. Ms. Powell said that it hurt her because she had trusted him. Ms. Powell said that she does not know his name and he was not Dr. Akoda. Ms. Powell said she knew him as Dr. Akoda and that was not his real name. She said that she has felt betrayed. Ms. Powell said that she does not know who this person was whom she allowed to examine her body and deliver her child. Ms. Powell said that she had complications with the childbirth, and Dr. Akoda did surgery. Ms. Powell said that she thanks God that she did not pass away. Ms. Powell said that she just feels really mad because he was not locked up. Ms. Powell said she questions who allowed him to practice with fake names, and she believes that someone should be responsible. Ms. Powell said that she believes that she was one of Dr. Akoda's "victims" because he lied about who he was and he touched "our body parts." Ms. Powell said that it is hard to explain, but she felt shocked. She repeated that she feels angry. Ms. Powell acknowledged that there are moments when she is okay. She said that she has put her feelings aside in relation to her anger. She said that she has not talked to anybody about her feelings because "everybody depends on me."

Ms. Powell said a friend called her and told her that Dr. Akoda was not really Dr. Akoda. Ms. Powell said that she then heard the story on the news about Dr. Akoda. Ms. Powell said that her friend told her to call a particular number to talk to attorneys. Ms. Powell said that she was told that his credentials were fake. She said that she feels bad that she did not check Dr. Akoda's credentials. She said that he preyed on innocent woman. She said that this is more than nothing.

Ms. Powell said that she was very focused on delivering a healthy baby, and Dr. Akoda did deliver a healthy baby. Ms. Powell said she is not knocking what he did as a doctor, but he lied to all of these vulnerable women. Ms. Powell said that she views him as a predator, and she said that the women were his target. Ms. Powell said that she has never read anything about the doctor's training, but she said he had a fake Social Security number and a fake name. She said that he did a very serious procedure and that she questions whether he lied about the procedure. She said he is a fraud to her and that he did not have any respect for "[m]e and all the patients he saw." She said that no one wants to feel that she is lied to. She repeated that Dr. Akoda had examined her body and that she trusted him.

Ms. Powell said Dr. Chaudhry was supposed to be her doctor, but she never saw Dr. Chaudhry; she saw Dr. Akoda. She said that she saw Dr. Akoda first when she was 5½ to 6 months pregnant. Ms. Powell said that her pregnancy was not a high-risk pregnancy. She said that she has had low iron since she was 16. She said that the last appointment with Dr. Akoda was at her six-week checkup after Jaiden was born.

Ms. Powell said that after she had Jaiden, she was bleeding a lot. She said that she was not married to Jaiden's father, who is now her husband. Ms. Powell said that she was alone in the hospital. Ms. Powell said she was rushed to the operating room. She recalled that she was told to count

RE: Elsa Powell

Page 3

backwards from five and when she woke up, there were tubes everywhere. She recalled that she was crying. Ms. Powell said that she saw Dr. Akoda the day after the surgery and that he told her to take iron pills. She said Dr. Chaudhary came in the second day post-op.

Ms. Powell said that there were no complications in regard to Jaiden. She reported that he was a healthy boy who weighed 8 pounds, 5 ounces, and that the complications were after Jaiden's delivery. Ms. Powell said that she saw Dr. Akoda for her six-week checkup. He told her she had an ovarian cyst. She said he did a procedure in the office.

Ms. Powell said that she thought Dr. Akoda was very flirtatious. Ms. Powell said that she requested that a nurse be present when he did examinations. Ms. Powell said that he made comments about her breasts. She recalled that she spoke to a nurse about Dr. Akoda, but she did not make any formal complaint.

Ms. Powell said that when Jaiden was about four or five months old, she moved, her health insurance changed, and she was pregnant with her fifth child, Tatiana. She said that she had a different doctor and a different hospital for the delivery of Tatiana. She reported that Tatiana was born with an enlarged kidney. Ms. Powell said that she knew before the delivery from ultrasounds that Tatiana had a kidney problem. She reported that Tatiana had surgery before she was one year old and needs ultrasounds once a year.

Ms. Powell said that her oldest child, Lucy Mercedes, is 14 years old; her second child, Nester, is 13 years old; and her third child is Josiah Rodriguez. She said that Josiah's father is career military and lives in North Carolina. Ms. Powell said that "Powell" is her married name. She said that she was not married to Mr. Powell when Jaiden was born and again, he was not at the delivery. Ms. Powell said that Jaiden and Tatiana have the same father.

Ms. Powell said that she works full time for a security company at the National Institutes of Health. She said that she works from 9 p.m. to 5 a.m. She said that her husband is a police officer, and his current shift is 11:30 p.m. to 7:30 a.m. Ms. Powell said that she is home in the morning with her four older children before they go to school and that Tatiana is home with her all day.

Ms. Powell described herself as independent and a great, great mother. She said that she is strict. Ms. Powell said she works hard and that her main concern is her children. Ms. Powell said that she is a loner and is not the type of person who chills with friends. She said that she just enjoys spending time home with her children. Ms. Powell said that she is very caring, likes to help people, and will give a person the shirt off of her back.

Ms. Powell described her mood as up and down. She said that she is not depressed but she is not one to talk too much about her feelings. Ms. Powell said that she does not sleep very much because of her work schedule and taking care of her kids. She said that in her opinion, a good night's sleep would be four hours. She said that she is 5 feet, 4 inches tall and that her weight is up and down, ranging from 180 pounds to 204 pounds. She said her concentration is good. She said that she enjoys her family, sleep, and time with her husband. She denied suicidal ideation. She denied the experience of anxiety attacks.

RE: Elsa Powell

Page 4

Ms. Powell said that she has never been evaluated or had treatment with a psychiatrist or psychologist. Ms. Powell said that she has an appointment scheduled through her attorney for a psychiatric evaluation on September 13, 2019. Ms. Powell denied a history of drug use or alcohol abuse. She denied a history of physical, mental, or sexual abuse.

MEDICAL HISTORY:

Ms. Powell said that she has a primary care physician through Kaiser, but she does not go to doctors' appointments. She said that she has thalassemia alpha trait. She said that she tries to eat food high in iron and takes iron pills. She said that she does not see a hematologist.

Ms. Powell said that she has not been evaluated by a gynecologist since her six-week follow-up appointment after Tatiana was born.

Ms. Powell said that [REDACTED] in 2010. She said that she was given the wrong medication at CVS and this caused complications. She acknowledged she did not know she was pregnant at the time [REDACTED]. Ms. Powell said a doctor had given her pain medication, but CVS gave her the wrong prescription. She said that she [REDACTED] the same night that she got the prescription, and there was a lawsuit related to the wrong prescription, which settled out of court.

Ms. Powell said that she has recently been evaluated at urgent care for pain in her left side. She said that she had an enlarged spleen. Ms. Powell said that she needs to follow-up about this problem. She said that she was only diagnosed with thalassemia when she was pregnant with Tatiana. She said that she had an MRI scheduled through urgent care.

SOCIAL HISTORY:

Ms. Powell said that she grew up in Massachusetts. Her parents split up when she was seven years old. Ms. Powell said she has three brothers from her mother's relationship with her father. Ms. Powell said her mother had three sons in another relationship. She said that she is close to all of her siblings.

Ms. Powell said that she met Lucy and Nester's father when he was on vacation in Massachusetts. She said that she moved in with his family in Virginia. Ms. Powell said that she received her high school diploma in 2005 when she was living with Lucy and Nester's father's family. She said that she left Nester and Lucy's father because he was cheating. Ms. Powell said that she returned to Massachusetts for about a year, but the kids' father wanted to see them, and she moved back to Virginia. Ms. Powell said that she met Josiah's father in Virginia when she was working as a waitress. She said that she returned to Virginia and worked two jobs while she was in school. She said that Josiah's father was in the military, and when he had orders to go to Alaska, they ended the relationship. Ms. Powell said that she met her current husband at the local firehouse where he was her training lieutenant. She said that her husband regrets that he was not at Jaiden's delivery.

RE: Elsa Powell

Page 5

Ms. Powell described a traumatic event in 2009 or 2010. She began to cry. She said that she lived in a house with two apartments, and the whole house burned down. She said that she lost everything except her passport and \$200. Ms. Powell was in school at the time at Everest College, and she was studying Homeland Security. She said she believes that God saved her life. She said she did not see a psychiatrist or psychologist, and she repeated that she is not one who likes to talk about feelings. Ms. Powell said people describe her as a brick wall, including her husband, her family, and coworkers.

Ms. Powell said she stopped school in 2013, and it would only take two months to finish her degree at Kaplan. She said she does not want to work for Homeland Security now. She said she is planning to take classes in Maryland to receive certification to work as an interpreter in the courthouse. She would like to work in Virginia. Ms. Powell said that there is a high population of Hispanics in Virginia and she will be able to earn \$40 to \$60 an hour.

Ms. Powell said that she was in a minor motor vehicle accident when she was pregnant with Jaiden. She said that it was a love tap really. She said no one was hurt. She said she hit the other car, and she was sued.

Ms. Powell denied a family history of psychiatric disorders or substance abuse.

MENTAL STATUS EXAMINATION:

Mental status examination revealed a casually groomed 32-year-old woman. Her speech was goal-directed and spontaneous. She easily established rapport.

Ms. Powell described her mood stating that she feels just really mad when she thinks about her experiences with Dr. Akoda. In general, she is happy with her family. She said that she is not depressed. She said she is not one who talks much about her feelings. Her affect was full and appropriate to content. She cried during the evaluation when she talked about the house fire and losing everything except her passport and \$200. She said, "I'm a tough cookie."

Ms. Powell denied the experience of anxiety attacks.

Memory and intelligence were grossly within normal limits.

REVIEW OF RECORDS:

I have reviewed the records identified at the start of the report. At this time there are no medical records related to psychiatric complaints or treatment, and as such I will not comment on a review of any records.

RE: Elsa Powell
Page 6

SUMMARY AND IMPRESSION:

It is my opinion that Ms. Powell does not have any psychiatric disorder causally related to Ms. Powell's allegations in the Complaint. The conclusion is based on the following facts:

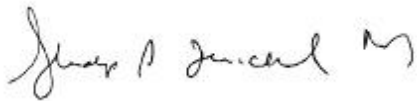
1. Ms. Powell did not present with symptoms compatible with any psychiatric diagnosis.
2. Ms. Powell does not have a history of any psychiatric/psychological treatment in relation to the issues in the Complaint or related to other stressors that she reported.
3. Ms. Powell is doing well with her marriage, children, and job, and she has clear plans for the future in regard to her career.
4. Ms. Powell said that she had no complaints about the doctor's treatment during delivery, surgery after delivery, or the post-delivery checkup.

It is my opinion there is no indication for psychiatric or psychological treatment for Ms. Powell in relation to the issues in the Complaint. Although Ms. Powell testified that she almost lost her life because of a fake doctor whom she thought was a doctor, Ms. Powell said during the evaluation that Dr. Akoda delivered a healthy baby. She had a procedure after Jaiden was born, and there were no complications from that procedure. She saw Dr. Akoda for a visit after Jaiden was born, and Dr. Akoda did another procedure. Ms. Powell did not have any complications or complaints about the medical treatment.

It is my opinion Ms. Powell did not present with symptoms compatible with any psychiatric diagnosis. Ms. Powell described herself as independent and a great, great mother. She works hard. Her main concern is her children, and she said her children are doing well. She has a steady job and she is also planning to receive certification to work as an interpreter in the Virginia court system. She has done the research and there is a large Hispanic population in the area where she plans to work. It is my opinion there is no indication for psychiatric or psychological treatment for Ms. Powell in relation to the allegations in the Complaint.

The opinions noted in this report have been stated within a reasonable degree of medical certainty. I reserve the right to supplement this report if additional records become available for review.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gladys S. Fenichel" followed by a stylized flourish.

Gladys S. Fenichel, MD

GSF/dmb